

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 30819 of 2006(R)

RCP.65/2003 of THE RENT CONTROL COURT, TRIVANDRUM

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PETITIONER:

VARGHESE M. MATHEW, MANAYIDA, ELAMKOVIL LAND,
HOUSE NO.ARRA 130, KALA KOUMUDI ROAD,
THIRUVANANTHAPURAM.

BY ADV. SMT.ANU SIVARAMAN

RESPONDENTS:

MRS.KARTHIYANI DEVI ALIAS DEVI,
W/O.K.C.BALAKRISHNAN, HOUSE NO.15,
SANTHI NAGAR, THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.R.RAMAN & K.P.BALACHANDRAN, JJ.

W.P. (C) .NO.30819 OF 2006

Dated this the 21st day of November, 2006

JUDGMENT

Raman, J.

This writ petitioner impugns the order, Ext.P8 passed in execution of an order of eviction passed by the Rent Control Court and affirmed by the Appellate Authority.

2. It is the contention of the petitioner that Ext.P8 order is vitiated by grave illegality and has resulted in total miscarriage of justice, in that the court below did not consider the case put forth by the petitioner that the decree holder was not the landlord as defined under the Kerala Buildings (Lease and Rent Control) Act or entitled to receive rent under Section 11(16)

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thereof and that the non-consideration of the objection has resulted in manifest failure of justice. The petitioner had ample opportunity to contest the matter before the Rent Control Court as well as the Appellate Court. Admittedly the arrears of rent were not deposited before the court. If the petitioner's contention is that the rent control petitioner was not the landlord, nothing prevented the petitioner from depositing the arrears of rent in the court, for which there is no answer. However, the order of eviction has become final and the execution court cannot go into this question as it is bound to enforce the order of eviction passed by the Rent Control Court as affirmed by the Appellate Court. We do not see any miscarriage of justice as alleged in

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the writ petition.

In the result, there is no merit in this writ petition and it is dismissed.

P . R . RAMAN ,
Judge .

K . P . BALACHANDRAN ,
Judge .

kcv.